



**Written Testimony of Bill Ashworth  
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Before the Joint Committee on Government Administration and Elections  
SB 5--"An Act Concerning Changes to Campaign Finance Laws and Other Election Laws"  
March 25th, 2013**

Google appreciates the opportunity to share our views about SB 5, which would amend Connecticut's existing Campaign Finance and Election Law. Google supports robust disclosures that ensure transparency concerning the source of political advertisements. However, we believe that SB 5 fails to strike the appropriate balance between promoting transparency while ensuring the continued development of innovative and dynamic advertising tools enabled through Internet advertising platforms.

The Internet has opened up new avenues for political speech, many of which are still in their embryonic stages. These new avenues for political speech have been powerful democratizing forces - both for candidates and voters. Internet advertising platforms - including search engines, video hosts such as YouTube, social networking websites and microblogging outlets - now enable candidates to reach specific groups of voters in ways that seemed unfathomable just ten years ago and at costs that are significantly lower than traditional communications mediums.

The Internet provides challengers and lesser known candidates with new, creative and comparatively inexpensive tools that they can deploy in communicating with voters. As the Federal Election Commission (FEC) has recognized, "[u]nlike other forms of mass communication, the Internet has minimal barriers to entry, including its low cost and widespread accessibility." Moreover, Internet platforms often enable candidates to ensure that advertising dollars are only being spent when individuals actually click on or view advertisements. Candidates that advertise on Google's AdWords search advertising platform, for example, don't pay Google unless users click on advertisements that are generated through search queries.

Many Internet advertising platforms, however, are not designed in a way that easily facilitate compliance with some election laws and bills such as SB 5, that require authority lines for political advertisements. For example, a text advertisement placed through Google AdWords can only have a total of 95 characters. Google's limitations are even more stringent for mobile advertisements, which limit advertisers to 56 characters. These rules apply to all advertisers, regardless of the advertisement's content. The proposed requirements of SB 5 would make these new advertising platforms essentially unavailable for use to individuals or entities that fund such ads through an Independent Expenditure committee. For individuals and entities the required disclosure "This Message was made Independent of any Candidate or Political Party" would

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consume 58 characters--without even counting the requisite names, addresses, entity name, entity CEO, and donor web site address requirements also required by the bill. SB5 effectively shuts down Google AdWords and mobile advertisements generally.

Although the advent of electronic media creates challenges for compliance with election laws, the challenges themselves are not entirely new. Indeed, finding ways to apply old media rules to new media, and figuring out how (if at all) to regulate mediums whose inherent limitations would make it either impossible or impractical to achieve strict compliance with election laws, is something that the Federal Election Commission (FEC) has grappled with in the past.

To its credit, the FEC has adopted a flexible regulatory posture in accommodating new mediums for political advertising. The FEC has declined, for example, to require that disclaimers be placed on "small items" such as bumper stickers, pins, buttons, pens and apparel because the inclusion of such disclaimers is not practicable.

In 2002, the FEC issued an Advisory Opinion extending the "small items" exception to text messaging. In its Advisory Opinion, the FEC acknowledged that it would be unreasonable to require disclaimers in light of text messaging character limitations. Implicit in the FEC's reasoning was an understanding that requiring disclaimers in this context would significantly diminish or wholly foreclose the ability of candidates to use this new medium to reach voters. Moreover, the FEC has recognized in other contexts that it may be impracticable to provide required disclosures in the precise manner prescribed by election laws.

States such as Maryland and Florida have followed this rationale by not wholly exempting electronic media advertisements from the authority line requirements that would normally apply under Maryland law. Rather, Maryland political committees are only in compliance with Maryland law where a covered electronic advertisement that can be clicked on takes users to a landing page that prominently displays the required authority line information. Political committees must therefore fully disclose the entity responsible for the electronic media advertisement; the regulations do not exempt electronic media advertisements.

Florida also allows necessary disclosures to be made on landing pages linked to by text and display advertisements, rather than requiring such disclosures to be made within the advertisements themselves. The regulatory approach in both Florida and Maryland is consistent with the FEC's pronouncements in this area and ensures the viability of fledgling, Internet-based advertising platforms that have become a powerful democratizing force in recent elections.

It is important to emphasize that the regulations that the FEC, Maryland and Florida have adopted provide for a full and complete disclosure, but it has just required it on the landing page that internet users click to see the contents of an ad. So we are not advocating a lack of full disclaimers, but only that they be required on a landing page.

We would urge the Committee to consider these approaches, which strike the right balance between disclosure and the promotion of more political speech through new electronic platforms.

Thank you for your time and consideration.